

अण्डमान तथा
Andaman And



निकोबार राजपत्र
Nicobar Gazette

असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
Published by Authority

सं. ३८, पोर्ट ब्लेयर, मंगलवार, २० जनवरी, २००९
No. 38, Port Blair, Tuesday, January 20, 2009

अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय/SECRETARIAT

NOTICE

Port Blair, dated the 20th January, 2009.

The Administration's Order No. 184 dated 20th January, 2009, which was sent to Shri M. Ganeshan, HGC (presently on leave), Directorate of IP &T, at his residential address at Quarry Hill, Phoenix Bay, Port Blair, but received back undelivered, is hereby published for his information and necessary compliance:-

SPEAKING ORDER NO. 184

WHEREAS Shri M. Ganeshan, HGC filed an application before the Hon'ble CAT, Calcutta Bench (Sitting at Port Blair) being OA No. 206/AN/2008 (Shri M. Ganeshan – vs – UOI & Others) and the Hon'ble CAT vide its order dated 11.12.2008 directed that :-

“Considering the entire issue involved in this case, we are of the view that ends of justice would be met if direction is issued to the competent authority. Accordingly, we direct that the respondent No. 4 or any other competent authority shall consider the representation of the applicant and dispose of the same and pass an appropriate order within a time frame of one month from the date of receipt of copy of this order. For that purpose, the applicant is directed to forward copy of the OA, copy of the representation and all other relevant materials to the said authority forthwith. We further direct that the transfer order dated 15.10.2008 will be kept in abeyance till such representation is disposed of. We make it clear that this interim order will be effective if nobody else has taken the charge in this place as on today. The applicant will be given opportunity of being heard. The OA is accordingly disposed of. In the circumstances, no order is passed as to costs.”

AND WHEREAS in compliance with the directions contained in the said order, the applicant, Shri M. Ganeshan submitted a copy of the OA alongwith its annexures, which includes his representations dated 22.01.2008, 27.10.2008 alongwith a copy of said order to the respondent No. 4 (Secretary Perl) vide his Advocate (Shri Anil Kr. Chakraborty's) letter dated 15.12.2008;

AND WHEREAS in compliance with the CAT's direction dated 16.05.2008 passed in earlier OA No. 83/AN/2008 (relating to grant to ACP benefit) the Competent Authority had considered the representation dated 22.01.2008 and passed a reasoned speaking order vide Admn's Order No. 3325 dt. 04.09.2008 and communicated it to the said Shri M. Ganeshan through the Officer-in-Charge, IP Division of Directorate of IP & T, but Shri M. Ganeshan is reported to have refused to accept the said order;

AND WHEREAS another copy of the said order was sent to him at his residential address by Registered Post, which was also received back with the remarks that "the addressee refused"; and as such the applicant's allegation of non-consideration of his representation dated 22.01.2008 as per CAT's direction dated 16.05.2008 is misconceived and false;

AND WHEREAS the Secretary (Perl) has heard Shri M. Ganeshan, HGC in person on 07.01.2009 in his chamber at Secretariat in compliance to the Hon'ble CAT's directions;

AND WHEREAS the Competent Authority has examined the applicant's representation dated 27.10.2008 being the Annexure- N to the OA No. 208/AN/2008; the copy of handicap certificate in r/o his wife Smti G. Mallika employed in Port Blair Municipal Council as Clerk and also of a mark sheet of BCA course from Annamalai University (Distance Education) in r/o his son, Vinod Mehra issued on 29.09.2007 which have been submitted by Shri M. Ganeshan, with reference to the Transfer Policy of the Administration;

AND WHEREAS it is revealed that Shri M. Ganeshan is still having 3 ½ years to attain the age of superannuation in 06/2012 and that his reliever Shri Mukesh Lall, HGC had already joined duty in the Directorate of IP&T on 12.11.2008, and as such the claim for hometown posting as per guidelines of Circular No. 55-3/2007-PW dated 30.07.2007 is not justified as it is not within the purview of guidelines of Transfer Policy. The contents of said circular on this issue read as under:-

"(vi) As far as possible, officials having less than 2 years of service left shall be allowed a posting of his choice and should not be transferred from that post within that period unless there are compelling administrative exigencies."

Besides this, reliever of Shri M. Ganeshan has already joined & therefore it will be in public interest if Shri Ganeshan complies with transfer order.

NOW, THEREFORE, the undersigned having gone through the submissions made by the applicant and relevant records has reached the conclusion that his representation dated 27.10.2008 is devoid of merit and is accordingly rejected.

Sd/-

Secretary (Perl.)

A & N Administration

[F. No. 45-437/2008-PW]

Sd/-

Assistant Secretary (Perl.)

A & N Administration